

**MINUTES**  
**SPEECH-LANGUAGE PATHOLOGY/AUDIOLOGY BOARD**  
**September 8, 2004 - 9:00 A.M.**  
**Room 428 - Fourth Floor - Heber Wells Bldg.**  
**160 East 300 South, Salt Lake City, Utah**

**CONVENED: 9:07**

**ADJOURNED: 11:15**

**PRESENT:**

Clyde Ormond, Bureau Manager  
Jacky Adams, Acting Board Secretary

Board Members:

Nanette Sturgill	Walter Cox
Patricia Anderson	Anne Elsweiler
Bonnie Rice	

**ABSENT:**

None

**GUESTS:**

James Drissen, Elite Hearing

**ADMINISTRATIVE BUSINESS:**

Minutes

The minutes of the June 17, 2004 board meeting were approved as revised.

Swear in new Board Members

Mr. Ormond administered the Oath of Office to Mr. Cox and Ms. Rice. He reviewed the duties and responsibilities of a board member as stated in 58-1 and R156-1.

New Board Member Orientation

Mr. Ormond reminded new board members to attend the September 23, 2004 orientation, if possible.

**TOPICS FOR DISCUSSION:**

**DECISIONS AND RECOMMENDATIONS:**

**APPOINTMENTS:**

9:30 A.M.  
Lance Greer

Mr. Greer had requested to meet with the Board to discuss the Doctorate of Audiology Degrees. Even though Mr. Greer did not appear at the meeting, the Board and Mr. Ormond reviewed the issue. Ms. Sturgill stated an Audiologist may submit their credentials to the American Foundation of Audiology Association (AFA), who will review the credentials and could award a Doctorate in Audiology, but the Audiologist does not have the educational background of a PHD. So the licensure and the scope of practice is the same with or without a Doctorate. Ms. Rice stated if an audiologist should imply they are a doctor, it could create a legal tangle with the Physicians Licensure Board. Mr. Cox further stated a person could go through an accredited University or College and obtain a PHD in Audiology, but still the scope of practice is the same with or without the Doctorate.

10:00 A.M.

David Swenson

Mr. Swenson, accompanied by James Drissen, with Elite Hearing, met with the Board for his probation interview. For the benefit of the new board members, Mr. Ormond reviewed the stipulation and order.

At the last meeting Mr. Pater resigned from reviewing Mr. Swenson's audiology client records. Mr. Swenson was given a list of names to choose from to obtain a new person to review these records, and submit the reports semi-annually to the Board. Mr. Swenson chose Mr. Robert Lewis Stevenson. The Division received his first report on August 11, 2004.

Mr. Cox reviewed the report, noting it was positive but he felt there were some minor discrepancies. He then asked Mr. Swenson about the portion where Mr. Stevenson stated "it was observed that the stated refund amount of hearing aids that are returned for credit as specified in the agreement, was substantially less than would normally be expected." Mr. Swenson stated he and Mr. Stevenson had discussed the same issue. Mr. Swenson had explained to Mr. Stevenson that the specific patient referred to was someone who had only purchased the instrument from Mr. Swenson. Another Audiologist had performed all examinations, fittings, and tests. Mr. Stevenson also submitted a letter stating his report was not intended to be critical of Mr. Swenson's practices, but felt this policy should be reviewed.

Mr. Swenson and Mr. Drissen explained their "unbundling" policy was to itemize the service charges separately from the cost of the hearing aid. Mr. Swenson explained he had made a few changes in how he separates the cost, due to the industry not liking him to disclose as much information as he was previously. The Board did not feel Mr. Swenson had to bend to the will of the industry.

Mr. Ormond reviewed the "Quality Assurance Program" set up by Mr. Swenson, at the beginning of his probation. Mr. Ormond noted Mr. Swenson had been on court ordered probation at the beginning of his probation with the Division. Mr. Swenson stated the probation had been completed for some time. Mr. Ormond requested documentation from the court of the probation being completed. The above documentation must be received before Mr. Swenson can be released from this probation.

Mr. Ormond also reminded Mr. Swenson that his Office Manager should be signing off on all insurance forms.

David Swenson Apt (cont)

The Board stated all reports from now on must show this is being done.

Mr. Cox made a motion, to require the Office Manager to sign off on all insurance billing statements and proof of this should be submitted to the Board. Mr. Swenson will be scheduled to meet with the Board again in late July or early August of 2005. Ms. Rice seconded the motion. The motion carried unanimously.

The Board also requested to receive a copy of the Semi-Annual reports before Mr. Swenson meets with the board again.

### **CORRESPONDENCE:**

17<sup>TH</sup> Annual NCBS Conference Brochure

Mr. Ormond informed the Board the Division does not have funds available in the budget to pay for a board member to attend this conference. He then asked if any of the board members were planning on attending this conference, on their own. Ms. Anderson expressed an interest in going. Mr. Ormond requested that she get the date of next year's conference, if she goes. He stated this conference is directly geared toward the management of this profession, and to board members across the nation.

### **DISCUSSION ITEMS:**

Verification of Applications from Other States

The Division asked the Board if they wanted an applicant to submit a "Verification of License" form if they are currently licensed or have ever been licensed in another state. The Board unanimously agreed verifications from other states should be required.

Proposed Rule Change

The Board reviewed 58-46a-503 of the Hearing Instrument Specialist statute, regarding the written contract with the consumer, at the last Board meeting. Mr. Ormond requested, via email, for Karl Perry, Attorney General's Office, to review this law and give the Board a legal opinion on this issue. Mr. Perry stated there is nothing in the law to prevent an audiologist from charging a servicing fee. He further stated if there is to be a "Right to Cancel" fee it should be in the contract, signed by the patient.

Mr. Cox questioned if it would be acceptable to separate the fees for the hearing instrument, testing, examination and fitting on the contract. Mr. Ormond thinks this should be up to the Board and the Industry to decide. Mr. Cox and Ms. Sturgill both felt it should be ok for an audiologist to charge for their time, up to 15% restocking fee, and any fee the manufacturer charges for restocking.

Ms. Rice said she felt that was reasonable. Mr. Ormond recommended to the Board that they may want to make a change in the statute and add this to the contract also.

Mr. Ormond reviewed 58-41-17 (3) regarding the 30-day right to cancel, which states the seller is entitled to a cancellation fee equal to the actual cost that will be incurred by the seller. This is provided the written receipt or contract states the exact amount that will be obtained by the seller, if the instrument is canceled.

Changes in ASHA requirements

In 2012, the American Speech-Language-Hearing Association (ASHA) will start requiring a Doctorate Degree for audiologists that will include a four-year degree that would include one clinical.

USHA is requesting a temporary license be issued after the first three years of schooling, then issuance of full license after the final year of clinical practice. Mr. Ormond reviewed the requirements for temporary licensure.

Mr. Ormond also stated the Board may need to go to the Association to change the statute to allow for temporary licensure, or the statute could be change to show two levels of licensure. Ms. Sturgill mentioned a temporary license would not solve the Medicare issue, as students are not allowed to treat Medicare patients. It was also mentioned that ASHA could allow a temporary certification so applicants could work under a licensed audiologist, during the clinical year.

**NEXT MEETING:**

To be determined

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DATE APPROVED

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CHAIRPERSON, BOARD OF SPEECH-LANGUAGE  
PATHOLOGY/AUDIOLOGY

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DATE APPROVED

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BUREAU MANAGER, DIVISION OF  
OCCUPATIONAL & PROFESSIONAL  
LICENSING